

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Telecommunications Relay Services	)	CG Docket No. 03-123
And Speech-to-Speech Services for	)	
Individuals with Hearing and Speech	)	
Disabilities	)	

To: Secretary, FCC  
For: Chief, Consumer & Governmental Affairs Bureau

**COMMENTS OF HAMILTON RELAY, INC.**

Hamilton Relay, Inc. ("Hamilton"), by its counsel, hereby submits these comments in response to the Commission's November 14, 2005 *Public Notice* concerning the proposal to make captioned telephone relay service a mandatory form of telecommunications relay service ("TRS"), and to approve Internet Protocol captioned telephone relay service ("IP CapTel") as eligible for compensation from the Interstate TRS Fund.<sup>1</sup>

Captioned Telephone Relay Service Should Be Available to All Who Wish to Use It

Hamilton is providing captioned telephone service in five states: Kentucky, Maine, Nebraska, Wisconsin and Wyoming. Its experience in serving customers in those states informs its comments here.<sup>2</sup> Hamilton believes that captioned telephone relay is an important service to the deaf and hard of hearing community, and should be available to whomever wants to use the service. In the brief period since the Commission authorized reimbursement from the Interstate

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<sup>1</sup> *Petition for Rulemaking Filed Concerning Mandating Captioned Telephone Relay Service and Authorizing Internet Protocol (IP) Captioned Telephone Relay Service*, Public Notice, CG Docket No. 03-123, DA 05-2961 (rel. Nov. 14, 2005) ("*Public Notice*").

<sup>2</sup> Hamilton wishes to state for the record that it is not licensing captioned telephone technology from Ultratec, Inc. as suggested in the Petition. Rather, Hamilton has entered into a wholesale arrangement to purchase captioned telephone service from Ultratec, Inc. and resell it to various State TRS programs.

TRS Fund for providing captioned telephone service,<sup>3</sup> the service has proven extremely popular in all of the states in which Hamilton provides the service. As the Petition in this proceeding notes, captioned telephone relay is an improvement over traditional relay because it offers synchronous communications and virtually real-time captions.<sup>4</sup> The service is particularly attractive to the many people who lose their hearing late in life. For these people, captioned telephone relay service is an excellent approximation of the telephone experience to which they were accustomed prior to losing their hearing,<sup>5</sup> thus making captioned telephone relay one of the more functionally equivalent services available to those relay users. For all of these reasons, Hamilton encourages any Commission efforts to expand the availability of captioned telephone relay (both one-line and two-line).<sup>6</sup>

IP CapTel Should Be an Eligible Form of TRS, Once It Becomes Generally Available

With respect to IP CapTel, the Petition notes that “multiple methods of using Internet transport to produce captioned telephone relay service already have been developed.”<sup>7</sup> Hamilton believes that if IP CapTel becomes generally available to consumers, it should be deemed an eligible form of TRS. Hamilton supports the approval of IP CapTel on a prospective basis so that there is no lag time between its general availability and Commission approval of IP CapTel

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<sup>3</sup> *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, CC Docket No. 98-67, 18 FCC Rcd 16121 (rel. Aug. 1, 2003) (“*Declaratory Ruling*”).

<sup>4</sup> Self Help for Hard of Hearing People et al., *Petition for Rulemaking to Mandate Captioned Telephone Relay Service and Approve IP Captioned Telephone Relay Service*, CG Docket No. 03-123, at 7 (filed Oct. 31, 2005) (“*Petition*”).

<sup>5</sup> *Id.* at 10; *Declaratory Ruling* ¶ 16.

<sup>6</sup> The Commission clarified recently that two-line CapTel is also a reimbursable form of TRS. *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, CG Docket No. 03-123, FCC 05-141 (rel. July 19, 2005).

<sup>7</sup> *Petition* at 19.

as an eligible form of TRS. In addition, because IP CapTel presents the same jurisdictional issues presented by Video Relay Service (“VRS”) and Internet Relay service, Hamilton supports the Petitioners’ proposal that all IP CapTel costs be reimbursed through the Interstate TRS Fund.<sup>8</sup> The logical per minute rate for IP CapTel would appear to be the traditional CapTel rate, at least on an initial basis.

#### Federal Certification of IP CapTel Providers and Enforcement

The Petition also encourages the Commission to adopt a federal certification program for IP CapTel providers.<sup>9</sup> Hamilton strongly supports this proposal, and notes that the Commission recently adopted a federal certification program for VRS and Internet Relay providers.<sup>10</sup> IP CapTel is similar to VRS and Internet Relay in many ways because IP CapTel will use the Internet for one leg of the call, thus making it impossible to determine whether a particular IP CapTel call is interstate or intrastate.<sup>11</sup> Hamilton therefore encourages the Commission to extend the federal certification program to CapTel providers, so that common carriers desiring to offer only VRS, IP CapTel and/or Internet Relay, and not the other forms of TRS, may qualify for federal certification.

With federal certification must come federal enforcement; otherwise, the certification program will be ineffective. The CGB should work in tandem with the Enforcement Bureau to ensure that federally certified relay providers are complying with program rules. Hamilton submits that a random audit procedure similar to that currently used by the Enforcement Bureau

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

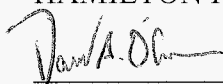
<sup>10</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Order on Reconsideration, CG Docket No. 03-123, FCC 05-203 (rel. Dec. 12, 2005).

<sup>11</sup> *See id.* ¶ 7.

in other areas would be an effective enforcement mechanism.<sup>12</sup> Unfortunately, the experience of too many consumers, Hamilton submits, is that many of the current relay rules are being honored in the breach by certain VRS and Internet Relay providers. Enforcement of these rules is necessary to ensure that the functional equivalence promised by the ADA continues to exist in the relay marketplace.

Respectfully submitted,

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December 30, 2005

FILED VIA ECFS

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<sup>12</sup> In contrast, state-certified providers already are subject to numerous state-level relay regulations, rendering federal oversight of those providers duplicative, unnecessary and a waste of administrative resources.